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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,090	06/02/2005	Guy Edelist	1447-US	8825
24505	7590	09/03/2008		
DANIEL J SWIRSKY 55 REUVEN ST. BET SHEMESHI, 99544 ISRAEL			EXAMINER MILORD, MARCEAU	
			ART UNIT	PAPER NUMBER
			2618	
			MAIL DATE	DELIVERY MODE
			09/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/537,090

Applicant(s)

EDELIST, GUY

Examiner

Marceau Milord

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allaway et al (US Patent No 7123905 B1) in view of Himmel et al (US Patent No 6961561 B2).

Regarding claims 1-2, 4, 6, 20, Allaway et al discloses a communication device (figs. 1-3) comprising: an integrated chip (75, 25, 21, 31; col. 7, lines 26-42; col. 7, line 65-col. 8, line 5), a driver (24, 25 of fig. 2; col. 8, lines 18-40-col. 11, lines 30-60; col. 14, lines 4-23); and a transceiver (31 of fig. 3; col. 7, line 65-col. 8, line 45; col. 8, line 62-col. 9, line 4; col. 10, lines 24-60; col. 14, lines 7-51).

However, Allaway et al does not specifically disclose the features of an infrared transceiver supporting infrared networking.

On the other hand, Himmel et al, from the same field of endeavor, discloses a mobile device with infrared transmitting and receiving capabilities where the user could use this device

on airplanes (24 of fig. 2; col. 5, lines 29-40; col. 5, lines 43-60; col. 2, lines 20-47; col. 8, lines 6-41). It is clearly stated that this mobile device is configured to switch from radio frequency to infrared networking (col. 5, lines 35-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Himmel to the communication system of Allaway in order to enhance the use of a wireless electronic device and allow the user the flexibility to maximize the features of the mobile electronic device.

Regarding claim 3, Allaway et al as modified discloses a communication device (figs. 1-3), wherein said device is for use on an aircraft (col. 7, line 65-col. 8, line 40).

Regarding claim 5, Allaway et al as modified discloses a communication device (figs. 1-3), wherein said device is selected from at least one of the group consisting of mobile phones, wireless telephone, mobile headsets, mobile two way headsets, dedicated Computer cards, a digital camera, PDA, laptops and a combination thereof (col. 10, lines 24-60; col. 13, line 62-col. 14, line 36).

Regarding claim 7, Allaway et al as modified discloses a communication device (figs. 1-3), wherein said INChip transmits all the necessary information to the device it is attached to (col. 11, lines 30-60; col. 14, lines 4-42).

Regarding claim 8, Allaway et al as modified discloses a communication device (figs. 1-3), wherein said INChip is integrated inside said communication device (col. 8, lines 2-46).

Regarding claim 13, Allaway et al as modified discloses a communication device (figs. 1-3), wherein said INChip comprises modular based software (col. 13, line 60-col. 14, line 3 2; col. 11, lines 30-62; col. 14, lines 4-42).

Regarding claim 14, Allaway et al as modified discloses a communication device (figs. 1-3), wherein said software is configured to support a plurality of communication devices (col. 13, line 36-col. 14, line 42; col. 11, lines 30-62).

Regarding claim 15, Allaway et al as modified discloses a communication device (figs. 1-3), wherein said software is configured to have a plurality of variations for readily facilitating firmware changing (col. 8, lines 5-40; col. 9, line 38-col. 10, line 29; col. 11, lines 30-56).

Regarding claim 16, Allaway et al as modified discloses a communication device (figs. 1-3), wherein said INChip is configured to readily facilitate application with a variety of different devices, servers, applications and manufacturers (col. 7, lines 9-47; col. 8, lines 5-40; col. 9, line 38-col. 10, line 29; col. 11, lines 30-56).

Claim 17 is similar in scope to claims 1-2, 6, and therefore is rejected under a similar rationale.

Regarding claim 18, Allaway et al as modified discloses a communication device (figs. 1-3), wherein said driver readily facilitates attaching said device to a wireless networking system (col. 8, lines 5-40; col. 9, line 38-col. 10, line 29; col. 11, lines 30-56).

Regarding claim 19 Allaway et al as modified discloses a communication device (figs. 1-3), wherein one end of said driver connects to an end device and the other end of said driver connects to compatible protocol for INetworking (col. 7, line 65-col. 8, line 50; col. 9, lines 14-57; col. 10, lines 8-60).

3. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allaway et al (US Patent No 7123905 B1) in view of Himmel et al (US Patent No 6961561 B2) as applied to claims 1-8 above, and further in view of Kato et al (US Patent No 6088730)

Regarding claims 9-12, Allaway and Himmel disclose everything claimed as explained above, except the features of infrared chip which is external device for infrared transceiving comprises an INChip and an infrared transceiver; wherein said communication device is connected to an external device for infrared transceiving.

However, Kato et al shows in figure 2, a hardware configuration of a personal digital assistant which is to receive download data. The infrared controller is a dedicated controller for implementing exchange of infrared codes with an external device (PDA). This communication device is connected to an external device for infrared transceiving (col. 16, lines 38-67; col. 17, line 46-col. 18, line 17).

Kato et al also discloses an infrared transceiver for transmitting/receiving an infrared code that is connected with a personal digital assistant as an external device (col. 7, lines 54-67; col. 8, lines 30-48; col. 9, lines 10-42; col. 13, lines 20-36; col. 16, lines 38-62; col. 17, lines 59-col. 18, line 17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Kato to the modified system of Himmel and Allaway in order to provide an information processing apparatus that has an infrared communication function for exchanging data with an external device such as a Personal Digital Assistant.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Usher et al discloses a method for forwarding incoming cellular communications to an aircraft.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 571-272-7853. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. M./
Primary Examiner, Art Unit 2618

/Marceau Milord/
Primary Examiner, Art Unit 2618